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5 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**  
6 **OF THE STATE OF WASHINGTON**

7 IN RE THE MATTER OF ENFORCEMENT  
8 ACTION AGAINST

PDC CASE NO. 01-134

9 Protect Our Pets and Wildlife,

ORDER OF REFERRAL  
TO THE WASHINGTON STATE  
ATTORNEY GENERAL'S  
OFFICE

10 Respondent.  
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13 **INTRODUCTION**

14 On October 20, 2000, the Public Disclosure Commission staff received a complaint  
15 concerning, in part, expenditures made by the Respondent, specifically related to purchases of  
16 time for running television ads. The allegations and the resulting Report of Investigation  
17 involved the Respondent's failure to properly or timely report expenditures to a media consultant  
18 and for television ads placed by the Respondent in support of Initiative 713. Following the initial  
19 investigation, a brief enforcement hearing was held on October 18, 2001. The Presiding Officer  
20 continued the hearing for two weeks and instructed staff to further investigate the placement of  
21 ads and cancellation policies. Staff did further inquiries into the allegations.

22 A subsequent brief enforcement hearing was convened on November 1, 2001, but no  
23 testimony or evidence was taken. The matter was referred to the full Commission for a full  
24 enforcement hearing. That hearing was held on January 22, 2002. The staff presented evidence  
25 and testimony as to the sequence of actions taken by the Respondent and its agent, Fenn & King,  
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1 regarding its agreement with Fenn & King and the television spots run in support of their  
2 position on Initiative 713. The Respondent presented no evidence in addition to what had been  
3 provided during the investigation at the hearing other than the cross-examination of the  
4 Investigator. At the conclusion of the hearing, the Commission requested briefing concerning the  
5 question of whether certain actions by the Respondent were reportable expenditures.

6 PDC staff submitted to the Commission the Report of Investigation dated July 1, 2001,  
7 the Brief Enforcement Hearing Memo dated October 8, 2001, the Addendum to the Report of  
8 Investigation dated October 30, 2001, the second Addendum to the Report of Investigation dated  
9 December 13, 2001, and a Staff Memo to the Commission dated January 15, 2002. In addition,  
10 the Commission was given a written briefing by the Staff's attorney and a written briefing by the  
11 Respondent's attorney.

12 At its regular meeting in the PDC Offices in Olympia, Washington on February 26, 2002,  
13 the Commission reviewed the Report of Investigation, the Brief Enforcement Hearing Memo, the  
14 Addendum to the Report of Investigation, the second Addendum to the Report of Investigation,  
15 the Staff Memo to the Commission, the written briefing by the Staff's attorney and the written  
16 briefing by the Respondent's attorney. In addition, the Commission considered oral arguments of  
17 the parties concerning whether the Respondent violated RCW 42.17.080 and 42.17.090.

18 Present were Commission members Christine Yorozu (Chair), Gerry Marsh, Susan  
19 Brady, and Lois Clement. The Respondent appeared at the hearing, both personally and through  
20 its attorney of record, Shawn Newman. The Staff appeared both personally and through their  
21 attorney of record, Linda A. Dalton, Senior Assistant Attorney General. The hearing was tape-  
22 recorded.

23 Following oral argument by the attorneys for the Commission staff and the Respondent,  
24 and consideration of the material submitted by the Commission Staff and the Respondent, and  
25 after deliberation, the Commission directed the following:  
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1 **ORDER OF REFERRAL**

2 By a vote of 4-0, the Commission found that there are apparent multiple violations of  
3 RCW 42.17.080 and 42.17.090 by the Respondent, Protect Our Pets and Wildlife. The  
4 Commission found that the maximum penalty that can be assessed by the Commission is  
5 inadequate in light of the apparent multiple violations. Therefore, in lieu of entering Findings of  
6 Fact, Conclusions of Law, and an Order, the Commission hereby refers this case to the  
7 Washington State Attorney General's Office pursuant to RCW 42.17.360 and .395, and WAC  
8 390-37-100.

9 The Commission further ordered that if the Attorney General's Office declines to file a  
10 complaint in Superior Court based upon the apparent violations referenced in this order of  
11 referral or does not enter into a settlement for the apparent violations referenced in this order of  
12 referral, this case is to be referred back to the Public Disclosure Commission for further  
13 consideration.

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Vicki Rippie, Executive Director

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Date Signed

17 *Copies to be provided to:*  
18 Linda A. Dalton, Senior Assistant Attorney General  
Counsel for Commission Staff  
19 Shawn Newman, Counsel for Respondent  
Nancy Krier, Assistant Attorney General  
20 Counsel for Commission  
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